



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2

290 BROADWAY

NEW YORK, NEW YORK 10007-1866

March 23, 2007

BY ELECTRONIC MAIL AND REGULAR MAIL

Mr. Richard Dalessio
Project Manager
Dormitory Authority of the State of New York
Borough of Manhattan Community College
DASNY Fiterman Hall Field Office
70 Murray St, Room M202
New York, N.Y. 10007

Re: Final Scaffold Erection Operation Acceptance
Fiterman Hall
30 West Broadway, New York, N.Y.

Dear Mr. Dalessio:

I am writing to inform you that the United States Environmental Protection Agency ("EPA") has completed its review of the procedures pertaining to the scaffold erection operation in support of the "remediation and deconstruction" of Fiterman Hall at 30 West Broadway, New York, N.Y. The procedures pertaining to the scaffold erection operation are acceptable to EPA. It is our understanding that the procedures pertaining to the scaffold erection operation are also acceptable to the New York State Department of Labor ("NYSDOL") and the New York City Department of Environmental Protection ("NYCDEP"). EPA has also consulted with the U.S. Department of Labor Occupational Safety and Health Administration ("OSHA") and the New York State Department of Environmental Conservation ("NYSDEC"). The letter of acceptance from NYSDOL is enclosed herein.

EPA's review of the draft and final scaffold erection operation documents focused on containment measures to control potential releases of contaminants, proper procedures for monitoring the work and waste disposal. NYSDOL and NYCDEP based their reviews on the regulations related to performance of an asbestos project. OSHA provided written comments on worker safety. The regulators' comments on the draft scaffold erection operation documents were previously sent to the New York City Department of Buildings ("DOB") and are available for public review on EPA's web site at:

http://www.epa.gov/wtc/demolish_deconstruct/30wbroadway.htm.

The regulators' acceptance of the scaffold erection operation documents is not intended as a review and/or acceptance of any structural engineering matters regarding the scaffold erection or of the means and methods for the scaffold installation at Fiterman Hall. The regulators are relying on DOB's expertise in these areas and on DOB's oversight of all of the structural-related matters for this project.

The scaffold erection operation documents are intended to implement best management practices, to incorporate containment measures to control potential releases of contaminants, and to provide comprehensive air monitoring coupled with appropriate mechanisms which may trigger work stoppage to address any release that may occur. Adherence to the safeguards contained in these documents, and careful monitoring of scaffold erection, and "remediation and deconstruction" activities throughout the project will help prevent the occurrence of a situation that may present an imminent and substantial endangerment to public health and the environment.

Specifically, the following documents were reviewed by the regulators to understand the procedures pertaining to the scaffold erection operation:

- Preliminary Façade Characterization Report, dated March 16, 2007;
- Preliminary Environmental Characterization Report, dated February 28, 2007;
- Regulatory Submittal Part I(S) – Scaffold Erection Operation Work Plan, dated March 16, 2007;
- Regulatory Submittal Part II – Environmental Community Air Monitoring Program, dated March 16, 2007;
- Quality Assurance Project Plan (QAPP) for the Environmental Community Air Monitoring Program, dated March 16, 2007;
- Regulatory Submittal Part III(S) – Health & Safety Plan, dated February 28, 2007;
- Regulatory Submittal Part IV(S) – Scaffolding Waste Plan, dated February 28, 2007; and
- QAPP for the Scaffolding Waste Plan and the Waste Sampling and Management Plan, dated February 28, 2007.

The initiation of the community air monitoring program may commence upon receipt of this acceptance letter. Any modifications made to the scaffold erection operation documents as a result of future modifications agreed to by DOB and the Dormitory Authority of the State of New York (DASNY) and the City University of New York (CUNY) and/or its representatives should be submitted to EPA and the regulators referenced in this letter for their review and acceptance. The regulators understand that DASNY/CUNY must file for and obtain DOB's approval prior to performing any structural work at Fiterman Hall. Kindly provide the regulators with notice of all DOB approvals when granted.

EPA and the other regulatory agencies will monitor the work as it progresses, and we look forward to ongoing consultation with you throughout the execution of the project.

Sincerely,



Pat Evangelista
WTC Coordinator
New York City Response and Recovery Operations

Enclosure

cc: Sal Carlomagno, NYSDEC w/encl.
Chris Alonge, NYSDOL w/encl.
Krish Radhakrishnan, NYCDEP w/encl.
Richard Mendelson, OSHA w/encl.
Robert Iulo, NYCDOB w/encl.
Max Lee, NYCDOB, w/encl.
Max Pizer, CUNY w/encl.
Benn Lewis, Airtek w/encl.
Richard Rosen, NYCDOB w/encl.



New York State Department of Labor

Eliot Spitzer, Governor

M. Patricia Smith, Commissioner

March 21, 2007

Pat Evangelista
WTC Coordinator
New York City Response and Recovery Operations
US EPA – Region II
290 Broadway
New York, NY 10007-1866

**Re: Approval of Revised Airtek Preliminary Environmental & Façade
Reports, and PAL Environmental Safety Corp. Regulatory Submittal -
Part I(S) Scaffold Erection Operation Work Plan, dated February 28, 2007
& March 16, 2006, Respectively
Fiterman Hall Building
30 West Broadway
New York, NY**

Dear Pat,

The Department has received the revised March 16, 2007 Airtek Preliminary Façade Characterization Report, and the PAL Part I(S) Scaffold Erection Operation Work Plan, as well as the February 28, 2007 Airtek Preliminary Environmental Characterization Report. The submitted documents have been reviewed by the Department, as they relate to asbestos material (ACM) and WTC dust/residue identification, assessment and asbestos project removal/cleanup procedures, during the scaffold erection portion of the overall project.

The submitted documents are acceptable to the Department. The revised Site-specific Variance Petition submission included within Scaffold Erection Operation Work Plan is currently being processed, and the Department anticipates approval of the Variance Decision shortly. The Department has discussed aspects of the documents with the New York City Department of Environmental Protection (DEP), and DEP concurs with the Department's acceptance of the submitted documents.

If an unanticipated situation is encountered during the ACM removal and WTC dust/residue cleanup portion of the Scaffold Erection Operation, which requires additional relief from 12 NYCRR 56, the owner's asbestos project designer firm must submit a reopening request to the site-specific variance decision as necessary, or submit an additional site-specific variance petition to address the situation. If you have any questions please contact our office at (518) 457-1536.

Sincerely,

A handwritten signature in blue ink, which appears to read "Christopher G. Alonge", is positioned above the typed name.

Christopher G. Alonge, P.E.
Senior Safety and Health Engineer

ec Krish Radhakrishnan, P.E. - NYC DEP
Gil Gillen – USDOL/OSHA
Robert Iulo – NYC DOB
Richard Fram – NYS DEC
Norma Aird – NYS DOL
Benn Lewis - Airtek
06-0852